

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Dario C. ALTIERI )  
)  
**Prior** Application No. 08/975,080 ) Group Art Unit: not assigned  
)  
Filed: concurrently ) Examiner: not assigned  
)  
For: SURVIVIN, A PROTEIN THAT )  
INHIBITS CELLULAR APOPTOSIS AND )  
ITS MODULATION )

Commissioner of Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449 forms. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

The above-identified patent application is a divisional application under 37 C.F.R. § 1.53(b) of prior application Serial No. 08/975,080, filed November 20, 1997. The Examiner's attention is respectfully directed to the art of record in parent case and thus, no references are being submitted.

Applicant respectfully requests that the Examiner initial and return the Form PTO-1449, indicating that the information has been considered and made of record herein.

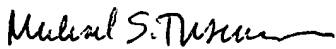
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute prior art. If it should be determined that any of the listed documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-0310.

Date: **October 18, 2000**  
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**Morgan, Lewis & Bockius LLP**

  
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